

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

Case No. 1:23-cv-10365 (LJL)

Case No. 1:24-cv-01644 (LJL)

Case No. 1:24-cv-00367 (LJL)

Case No. 1:24-cv-04111 (LJL)

MICHAEL MULGREW, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

NEW YORKERS AGAINST
CONGESTION PRICING TAX, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

TRUCKING ASSOCIATION OF NEW
YORK,

Plaintiff,

v.

METROPOLITAN TRANSPORTATION
AUTHORITY, *et al.*,

Defendants.

**DECLARATION OF ROBERTA A. KAPLAN IN SUPPORT OF
DEFENDANTS THE METROPOLITAN TRANSPORTATION AUTHORITY, THE
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY, THE NEW YORK CITY
DEPARTMENT OF TRANSPORTATION, AND WILLIAM J. CARRY'S
CONSOLIDATED MEMORANDUM OF LAW IN FURTHER SUPPORT OF THEIR
OMNIBUS MOTION TO DISMISS PLAINTIFFS' CONSTITUTIONAL CLAIMS AND
IN OPPOSITION TO PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION**

I, Roberta A. Kaplan pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of the State of New York and am admitted to appear before this Court. I am a partner in the law firm Kaplan Martin LLP, counsel for Defendants Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority in the above-captioned action.

2. I respectfully submit this declaration in support of Defendants' consolidated memorandum of law in further support of their omnibus motion to dismiss Plaintiffs' constitutional claims and in opposition to Plaintiffs' motions for a preliminary injunction.

3. Attached hereto as **Exhibit 1** is true and correct copy of the TBTA Phase-In Approach as adopted on November 18, 2024.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the signed Value Pricing Pilot Program Agreement, as executed on November 21, 2024.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the transcript of the minutes from the New York State Assembly debate on Assembly Bill A2064, held on April 30, 2019.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the transcript of the minutes from the New York State Assembly debate on Assembly Bill A1368 held on February 8, 2021.

Dated: New York, New York
December 2, 2024



Roberta A. Kaplan